

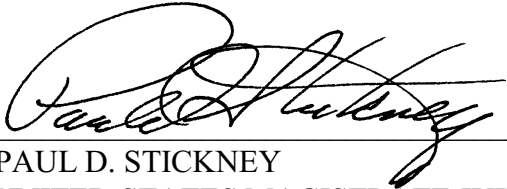
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for New Century Home Equity Loan Trust, Series 2005-C, Asset Backed Pass-Through Certificates, Plaintiff,	§ § § § § § § § § §	No. 3:15-CV-2065-M (BF)
v. EFREN HERRERA and GUADALUPE HERRERA, Defendants.		

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This case has been referred to the United State Magistrate Judge for pretrial management. Standing Order of Reference 1, ECF No. 10. Deutsche Bank National Trust Company, as Trustee for New Century Home Equity Loan Trust, Series 2005-C, Asset Backed Pass-Through Certificates (“Plaintiff”) filed this action on June 18, 2015 against Efren Herrera and Guadalupe Herrera (collectively, “Defendants”) seeking a judgment and an order permitting foreclosure pursuant to a mortgage lien on Defendants’ property. Compl. 5, ECF No. 5. On September 16, 2016, Plaintiff filed its Motion for Voluntary Dismissal [ECF No. 17] stating that it no longer seeks to pursue its claim for judicial foreclosure against Defendants and asking the Court to dismiss its claims without prejudice. Mot. 1-2, ECF No. 17. Plaintiff states that its claims are the only claims pending in this case, and therefore, dismissal of their claims will dispose of all of the parties and the claims in this case. Mot. 2, ECF No. 17. Upon consideration of the foregoing, the undersigned respectfully recommends that the District Court grant Plaintiff’s Motion for Voluntary Dismissal [ECF No. 17] and dismiss this case without prejudice.

SO RECOMMENDED, this 19th day of October, 2016.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a true copy of these findings, conclusions and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within fourteen days after service of the findings, conclusions and recommendation. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within fourteen days after service shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).